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January 30, 2020

**VIA ECF**

The Honorable Margo K. Brodie  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Ng Chong Hwa a.k.a Roger Ng, 18 Cr. 538 (MKB)

Dear Judge Brodie:

We represent Roger Ng in the above-referenced case and write in advance of tomorrow's status conference to advise the Court that counsel plans to discuss (i) ongoing discovery and (ii) a reasonable adjournment of the motion schedule and trial date. Counsel has been in an ongoing dialogue with the government on these issues.

**1. Ongoing Discovery**

Since July 31, 2019, the government has produced five substantial discovery productions totaling 1,225,448 records. Over 3,000 of these records are audio recordings, for which the government has corresponding transcripts for 41 of the thousands of recordings. The government's last two productions (on December 23, 2019 and January 13, 2020) totaled 281 gigabytes. Unfortunately, our vendor was unable to load these productions to our database with the load file the government provided. We have had ongoing discussions with the government, their technology team and our vendor. The government provided us with updated load files last night and we are in the process of loading this voluminous discovery to our database. Because the government's

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“investigation is ongoing,” we continue to be in receipt of more discovery as the government obtains it. (Ex. 1: 11/22/19 Tr. at 4.)

**2. Motions and Trial Schedule**

Currently, motions are due on February 7, 2020 and trial is scheduled for May 11, 2020. Due to the recent voluminous discovery consisting of over 300GB that counsel has not yet reviewed for the reasons stated, counsel plans to request an adjournment of both the motion schedule and the trial date. Aside from the voluminous discovery, another disruptive factor is that counsel made plans—then cancelled—a trip to Southeast Asia in February. As we stated to the Court at the last appearance:

The most challenging issue is that most of the important actions took place overseas. So that raises challenges in terms of making sure that we get the right documentary evidence that we’re going to need for the trial, if there are witnesses that are abroad.

So I think that the majority of the motion practice is going to be, with that in mind, the possibility of Rule 15 depositions of witnesses who might be abroad, different avenues that we might want to pursue to try to get the documents that are abroad.

(Ex. 1: 11/22/19 Tr. at 5.) We further advised the Court that “there’s important evidence overseas that we are still trying to get our hands on...I see that being really the crux of it.” (Id.) We have not made a trip to Asia between the last date and the present because it was important to first review the government’s latest discovery disclosure, consisting of what we expect to be important documentation from various MLATs and other sources, and which, due to technological reasons, is only about to be reviewable to us on our platform.

Given the timing of the government’s discovery, we planned on commencing our investigation in Southeast Asia in February 2020. As is well-known, the dire health care situation impacting Southeast Asia and travel to and from there makes this trip objectively unadvisable.

Based on the status of ongoing discovery and the current challenges associated with conducting witness and documentary investigation in Southeast Asia, we do intend to ask the Court for a reasonable adjournment of the motions and trial date at tomorrow’s conference.

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We thank the Court for your attention and consideration.

Sincerely,



Marc A. Agnifilo, Esq., *Of Counsel*  
Teny R. Geragos, Esq.  
Jacob Kaplan, Esq.

cc: AUSAs Kasulis, Smith and Rolle (via ECF)